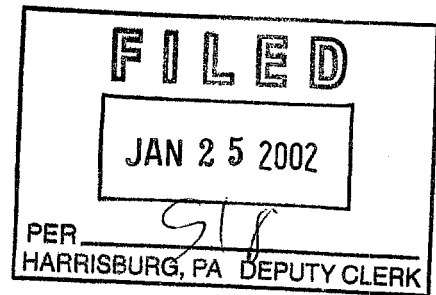


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JUDGE CALDWELL



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SYDNEY BRADSHAW
PLAINTIFF

V.

PATRICA L. SAUERS, et. al.,

No. CV-01-755
JUDGE CALDWELL

MOTION FOR AN ENLARGEMENT OF TIME

Now comes plaintiff and request and request an enlargement of time to respond to the defendants motion to dismiss and states the following:

1. Plaintiff received the enclosed order from the Middle District on 01/14/2002, and is currently in the middle of responding to the defendant's motion to dismiss.
2. The plaintiff request an additional 10 days to properly and fully reply to the defendant's motion to dismiss.

Wherefore, based upon the foregoing, plaintiff prays that this most honorable court will grant this motion in all aspects and afford the plaintiff the time requested to respond.

Pursuant to 28. U.S.C § 1746, I declare under penalty of perjury that the foregoing is true and correct.

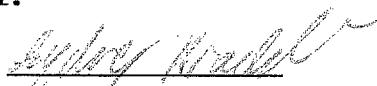
Date: 01/14/2002.

Respectfully submitted


SYDNEY BRADSHAW

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within document was served on Whit & Williams LLP At 1500, Lancaster Avenue, 194301 - 1500. On 01/14/2002. by regular first class mail.


SYDNEY BRADSHAW

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SYDNEY BRADSHAW,

Plaintiff

vs.

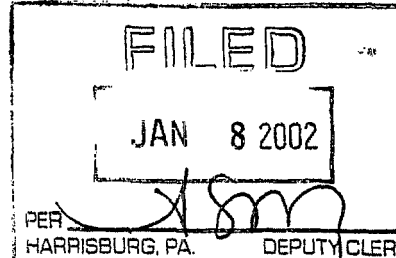
PATRICIA L. SAUERS, M.D.,
et al.,

Defendants

CIVIL NO. 1:CV-01-0755

(Judge Caldwell)

O R D E R



THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On December 11, 2001, pro se plaintiff Sydney Bradshaw was directed to file a brief in opposition to the defendants' October 29, 2001 motion to dismiss. (Doc. 17). Plaintiff was advised that his lawsuit was in peril of dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure if he failed to comply with this Order. Bradshaw was given twenty (20) days to comply with this Order.

On December 21, 2001, Bradshaw requested a copy of the defendants' motion to dismiss and requested an enlargement of time to respond to the same claiming "to this date he has not had an opportunity to view defendants motion to dismiss." (Doc. 19). While it is noted that defendants' motion and supporting documents bear the appropriate certificate of service indicating Bradshaw was sent copies of all relevant documents, on January 2, 2002, the Clerk's office forwarded Bradshaw yet another copy of defendants'

motion, brief and supporting exhibits (docs. 16 and 18). Bradshaw is now equipped with the requested documents necessary to respond to defendants' potentially dispositive motion. Therefore, we will dismiss this case for failure to prosecute and comply with a court order under the authority of Rule 41(b) if plaintiff fails to oppose the motion or otherwise communicate with the court within ten (10) days of the date of this order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

Plaintiff Bradshaw shall file within ten (10) days of the date hereof a brief in opposition to defendants' motion to dismiss. If plaintiff fails to file a brief in opposition, we will consider dismissing plaintiff's complaint pursuant to Rule 41(b) for failure to prosecute and comply with a court order.



WILLIAM W. CALDWELL
United States District Judge

Date: January 8, 2002

Sydney Bradshaw
CTY-MONT
Montgomery County Correctional Facility
01-6410
60 Eagleville Road
Norristown, PA 19403

Re: 1:01-cv-00755

Please file all pleadings directly with the Clerk's Office in which the assigned Judge is located. Do not file any courtesy copies with the Judge's Chambers.

JUDICIAL OFFICERS:

Judge Sylvia H. Rambo
Judge Yvette Kane
Judge William W. Caldwell
Magistrate Judge J. Andrew Smyser

CLERK'S OFFICE ADDRESS:

U.S. District Court
228 Walnut Street
P.O. Box 983
Harrisburg, PA 17108

Chief Judge Thomas I. Vanaskie
Judge A. Richard Caputo
Judge James M. Munley
Judge William J. Nealon
Judge Richard P. Conaboy
Judge Edwin M. Kosik
Magistrate Judge Malachy E. Mannion
Magistrate Judge Thomas M. Blewitt

U.S. District Court
235 N. Washington Ave.
P.O. Box 1148
Scranton, PA 18501

Judge James F. McClure
Judge Malcolm Muir

U.S. District Court
240 West Third Street
Suite 218
Williamsport, PA 17701

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SYDNEY BRADSHAW,

Petitioner

vs.

IMMIGRATION AND
NATURALIZATION SERVICE,

Respondent

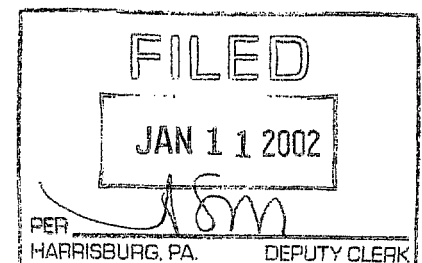
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:
:
: CIVIL NO. 1:CV-01-0756
:
: (Judge Caldwell)
:
:
:
:

O R D E R

AND NOW, this 11th day of January, 2002, it is ordered that, Petitioner is granted ten (10) days from the date of this Order to file a supplemental response to Respondent's Response to Petitioner's Contention as to Applicability of Title 8 U.S.C. § 1432. Furthermore, the Clerk is directed to serve Petitioner with a copy of Respondent's Response to Petitioner's Contention as to Applicability of Title 8 U.S.C. § 1432 (doc. 16).



William W. Caldwell
United States District Judge



1:01-cv-00755

Certificate of Service

I hereby certify that a true and correct copy of the within document was served on, Attorney, Mark E. Morrison, Assistant U.S. Attorney's P.O. Box 11754, Harrisburg, PA 17108-1754, by regular first class mail.

Sydney Brackley

Section 321 (a) of the Act determines in part that

A child born outside of the United States of alien parents ... becomes a citizen of the United States upon the fulfillment of the following conditions:

- (1) The naturalization of both parents; or
- (2) The naturalization of the surviving parent if one of the parents is deceased; or
- (3) The naturalization of the parent having legal custody of the child when there has been a legal separation of the parents or the naturalization of the mother if the child was born out of wedlock and the paternity of the child has not been established by legitimation; and
- (4) Such naturalization takes place while such child is under the age of eighteen years; and
- (5) Such child is residing in the United States pursuant to lawful admission for permanent residence at the time of the naturalization of the parent last naturalized ..., or thereafter begins to reside permanently in the United States while under the age of eighteen years...

As amended, section 1431 provides that a child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:

- (1) At least one parent of the child is a citizen of the United States, whether by birth or naturalization.
- (2) The child is under the age of eighteen years.
- (3) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.

8 U.S.C. §1431.

The provisions of the Child Citizenship Act apply only to "individuals who satisfy the requirements of section 320 [§1431] or 322 [§1433] of the Immigration and Nationality Act, as in effect on [February 27, 2001]." Child Citizenship Act of 2000, §104.² Thus,